

**USDC-SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC#:  
DATE FILED: 9/28/2020**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MARCELINO CASTRO,

Plaintiff,

v.

CITY OF NEW YORK, CAPTAIN JANET  
SMITH, CORRECTIONS OFFICER  
OCTAVIAN DUGGINS, CORRECTIONS  
OFFICER LEISHA ORTIZ, CORRECTIONS  
OFFICER TRISHANN MOWATT,

Defendant

No. 16-CV-8147 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

For the reasons that will be articulated in an Opinion that will follow, the Court hereby grants summary judgment to all Defendants with respect to Plaintiff's denial of medical care claims, and grants summary judgment to the City of New York, Defendant Ortiz, and Defendant Mowatt with respect to Plaintiff's excessive force claims. The Court denies summary judgment, however, to Defendant Smith and Defendant Duggins with respect to the excessive force claims.

The Court will clarify the parameters of the ruling, as well as discuss next steps, at a telephone conference that will be held on October 9, 2020 at 12:30 PM. The parties shall use the dial-in information provided below to call into the conference: Call-in Number: (888) 363-4749; Access Code: 1015508. This conference line is open to the public.

The Clerk of Court is respectfully directed to terminate the motion pending at Docket Entry 81 and to dismiss the City of New York, Defendant Ortiz, and Defendant Mowatt from this case. The Clerk of Court is also respectfully directed to mail a copy of this Order to Plaintiff.

SO ORDERED.

Dated: September 28, 2020  
New York, New York

A handwritten signature in blue ink, appearing to read 'Ronnie Abrams', is written over a horizontal line.

Ronnie Abrams  
United States District Judge